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August 21, 2019

VIA OVERNIGHT COURIER

Honorable Anthony J. Trenga
Albert V. Bryan U.S. Courthouse
401 Courthouse Square
Alexandria, VA 22314

TO BE FILED UNDER SEAL.

Re: Proposed Testimony of Jeremy Hammond
Grand Jury 19-13
United States v. America v. John Doe 2010R03793

Dear Judge Trenga,

I don't often begin my letters of introduction with an apology – but it seems appropriate under the circumstances I am about to describe. I am not admitted in the Eastern District of Virginia (or in Virginia) and am, therefore, not authorized to file in your Court. I have been reaching out to find local counsel to assist – and it seems that Jeffrey Zimmerman, Esq., who is admitted in the EDVA, has graciously offered to help with this matter; however, I needed to do something quickly...so here it is. Since the proceedings governing this process are currently under seal, I respectfully request that this letter be filed under seal.

I represented Jeremy Hammond, pursuant to the Criminal Justice Act, in connection with his criminal case in the Southern District of New York, 12 Cr. 185, before the Honorable Loretta A. Preska. Mr. Hammond pleaded guilty in that case and is coming to the end of a ten-year sentence. Last Friday, I was re-appointed by the Honorable Loretta A. Preska, (SDNY) to continue my representation after I was contacted by the AUSA Gordon Kromberg, in the Eastern District of Virginia regarding a compulsion order pending before your Honor in connection with the above-captioned grand jury proceeding. For reasons I will explain in this letter, time is of the essence in this matter.

I write to request that your Honor delay the execution of the compulsion order until January of 2020. The reason for this request is that Mr. Hammond is currently in an intensive, 9-month Residential Drug Treatment Program (RDAP) at FCI Memphis. This program is not available to inmates until they are nearing the end of a criminal sentence. My client has worked hard in this program, and if his participation is interrupted, he will not be able to continue to graduation in December of 2019.

As stated on the BOP website,

RDAP is the Bureau's most intensive treatment program. CBT is used in a modified therapeutic community model where offenders experience living in a pro-social community. Offenders live in a unit separate from general population; they participate in half-day programming and half-day work,

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school, or vocational activities. RDAP is typically nine months in duration.

The Bureau and National Institute on Drug Abuse combined funding and expertise to conduct a rigorous analysis of the Bureau's RDAP. Research findings demonstrated that RDAP participants are significantly less likely to recidivate and less likely to relapse to drug use than non-participants. The studies also suggest that the Bureau's RDAPs make a significant difference in the lives of offenders following their release from custody and return to the community.¹

Removing Mr. Hammond from the RDAP program at FCI Memphis, after five months, to the Eastern District of Virginia, will end his participation in that program, negating all of the hard work he has done. The only way for Mr. Hammond to complete this program after such a transfer would be to re-apply and start from the beginning, his five-month participation notwithstanding. Additionally, we are told that there is a considerable waiting list of other inmates who would have priority over Mr. Hammond.

For the foregoing reasons, we respectfully request that this Court delay imposition of the compulsion order to: (1) enable us to engage local counsel; (2) file appropriate *pro hoc* applications; and (3) permit Mr. Hammond to complete the RDAP program.

I am available should your Honor have any questions regarding this application. The Court's kind consideration of this request is very much appreciated.

Respectfully,



Susan G. Kellman
Attorney for Jeremy Hammond

cc: Gordon Kromberg, Esq.
Asst. United States Attorney

Jeffrey Zimmerman, Esq.

¹ Available at https://www.bop.gov/inmates/custody_and_care/substance_abuse_treatment.jsp